

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

-----X
In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS
(Jointly Administered)

THE COMMONWEALTH OF PUERTO RICO,
et al.,

Debtors.
-----X

[Related to Docket #17627 and #17639]

**URGENT MOTION REGARDING FILING OF MOTION TO EXTEND THE VOTING
DEADLINE FOR RETAIL INVESTORS**

Peter C. Hein, pro se, submits this urgent motion regarding the filing of his motion to extend the voting deadline for Retail Investors.

Retail Investors have not been timely provided “solicitation” packages with ballots or notices of voting and election instructions, much less instructions applicable to their bond holdings

The current voting deadline is Monday, October 4, 2021 at 5 p.m. AST.

This Court’s order (#17639) required “solicitation packages” with ballots or notices with instructions for voting and/or election to be mailed by August 30, 2021 (#17639-page-4-¶-D, page-8-¶11, page-10-¶13). As discussed in my attached motion, it has become apparent that there have been delays in the process of mailing “solicitation” packages, including ballots or notices with instruction for voting and/or election, to Retail Investors. Only on the afternoon of September 23, 2021 did I receive what may be intended as “solicitation” packages. These four packages, from only one of my two brokers, had only part of the information that should have come in a “solicitation” package, namely, a one page, one sentence “Dear Client” notice; a two

page memo – with a 13 page list of CUSIPs – on Prime Clerk letterhead; and a flash drive with the plan, disclosure statement and a copy of pages 1 to 27 of #17639 – 5420 pages in English, and 5420 pages in Spanish. Based on my review of the materials, I do **not** see a ballot or notice of voting and election instructions in these materials.

I have still not received any “solicitation” package (much less one including a ballot and notice of voting and election instructions) from my second broker.

Since both of my brokers are major brokerage firms (Merrill Lynch and Morgan Stanley), it seems likely that this problem affects many other Retail Investors as well.

On September 23, the Retired Employees Committee and the UCC filed motions to extend the voting deadline for classes they represent from October 4 to October 18, 2021, citing problems affecting members of their classes with timely receipt of solicitation packages. (#18214, #18215, #18228) Because there is no Retail Investor committee (or other bondholder committee) there is no one in a position to broadly survey the status of mailings to Retail Investors. However, as noted, my brokers are major firms, so there is every reason to believe the delays in receipt of solicitation packages by Retail Investors are widespread.

Moreover, the Court’s order provided that creditors were to receive “the appropriate form of Ballot or Notice” (#17639-page-10-of-27 ¶13). Holders of claims in bond classes were supposed to get “instructions in the applicable Notice” (#17639-page-17-to-18-of-27). An example of the “Notice of Voting and Election Instructions for Holders” is in #17639-3. However, even the flash drive had only the first 27 pages of #17639 – I do not see any “Notice of Voting and Election Instructions” even on the flash drive that came in the supposed “solicitation” packages I received from one broker on September 23.

Per Amended Case Management Order I.H (#17127-1-page-4-of-18), I reached out to counsel for FOMB the night of September 23 to see if the matter could be resolved by (1) FOMB agreeing to extend the voting deadline for Retail Investors at least two weeks to October 18, 2021, or (2) at least, FOMB consenting to my moving as expeditiously as possible for me, by

urgent motion, to extend the voting deadline for Retail Investors. As of this time, I have received no response assenting to my requests.

Schedule for motion and briefing

My moving papers are filed to accompany this motion, in the interests of proceeding as expeditiously as possible. I note the Court provided that FOMB should respond to the Retirees Committee Motion by September 28 at 5 p.m., and any Reply be filed by September 30 at 5 p.m. (#18226)

I have a long-standing out-of-town trip and conference scheduled on September 30 through October 3, 2021 that is going forward, so I do not believe it will be feasible for me to prepare or file a reply during this period of time.

I respectfully suggest one of the following alternatives:

- If FOMB files any opposition by 9 p.m. on September 28, I will do the best I can to file a (necessarily brief) reply the night of September 29 or the early morning of September 30, before I leave.
- The Court could at least briefly extend the October 4 voting deadline for at least a few days, and I could then file a reply on October 4 when I am back. (It is hard to imagine how such an extension could possibly prejudice FOMB – particularly since FOMB appears to be planning to file a new fiscal plan, and likely a new plan of adjustment, on or after October 20, 2021, see #18181-page-6-to-7,17,157-of-157.)
- The Court could decide the motion on submission, even without a reply.

Certification

Pursuant to paragraph I.H of the Court's case management procedures, I certify that reasonable, good-faith communications have taken place between me and counsel for FOMB.

A proposed order is attached.

Dated: September 24, 2021

Respectfully Submitted,

/s/ Peter C. Hein

Peter C. Hein, pro se
101 Central Park West, Apt. 14E
New York, NY 10023
917-539-8487
petercheinsr@gmail.com

Claim 10696

GO Bonds: 500,000 par amount, plus
unpaid interest to date

[5 separate CUSIPS: 74514LVX2
74514LWA1
74514LWM5
74514LWZ6
74514LB63]

PBA Bonds: 200,000 par amount, plus
unpaid interest to date

[CUSIP: 745235M24]

[PROPOSED] ORDER

It is hereby ordered that briefing on the Motion of Individual Bondholder to Extend Voting

Deadlines for Retail Investors will proceed as follows:

(b) any opposition papers shall be filed on or before _____, 2021;

(c) any reply papers shall be filed on or before _____, 2021.

U.S.D.C.

Certificate of Service

I, Peter C. Hein, certify that I have caused the foregoing “Urgent Motion Regarding Filing of Motion to Extend the Voting Deadline for Retail Investors” to be served via the Court’s CM/ECF system.

September 24, 2021

/s/ Peter C. Hein

Peter C. Hein